

THURSDAY, OCTOBER 16, 1997

Juvenile      In re KALANI F. ET AL., Persons coming under the Juvenile Court Law  
No.              SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY  
C026744      vs.              (Not for Publication)

JOY F.

The orders of the Juvenile court are affirmed.

CALLAHAN, J.

We concur:   SIMS, Acting P.J.  
                    RAYE, J.

Crim.           THE PEOPLE              (Not for Publication)  
No.               vs.  
C024844       ROSS WILLIAM MONTGOMERY, JR.

The judgment is affirmed.

DAVIS, J.

We concur:   PUGLIA, P.J.  
                    NICHOLSON, J.

Crim.           THE PEOPLE              (Not for Publication)  
No.               vs.  
C020759       DONNELL DWIGHT TAYLOR

The convictions and special findings are affirmed. The sentence is vacated, and the matter is remanded to allow the trial court to exercise its discretion whether to strike in the interest of justice any of defendant's prior serious felony convictions for the purpose of sentencing under the three strikes law. If the trial court strikes one or both of the prior convictions, it shall resentence defendant accordingly. If the court declines to strike the prior convictions, it shall reinstate the sentence previously imposed.

SCOTLAND, J.

We concur:   BLEASE, Acting P.J.  
                    MORRISON, J.

THURSDAY, OCTOBER 16, 1997 CONTINUED

Juvenile No. C026209 In re JEREMY H., ET AL. Persons under the Juvenile Court Law  
DEPARTMENT OF HUMAN SERVICES  
vs. (Not for Publication)  
JAMIE H.

The order denying appellant reunification services is reversed, and the matter is remanded to the Juvenile court for further proceedings consistent with this opinion.

DAVIS, J.

We concur: BLEASE, Acting P.J.  
SIMS, J.

FRIDAY, OCTOBER 17, 1997

Crim. No. C022332 THE PEOPLE (Not for Publication)  
vs.  
JAMES BROWN

The judgment is affirmed.

CALLAHAN, J.

We concur: PUGLIA, P.J.  
NICHOLSON, J.

Crim. No. C020644 THE PEOPLE (Not for Publication)  
vs.  
CEDRIC COTTON

Defendant's 1984 serious felony conviction for assault with a deadly weapon is stricken, the sentence is vacated, and the matter is remanded to the trial court for resentencing. The judgment is otherwise affirmed.

BLEASE, Acting P.J.

We concur: NICHOLSON, J.  
RAYE, J.

Juvenile No. C023786 In re MICHAEL R., Jr., A Person under the Juvenile Court Law  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
vs. (Not for Publication)  
MICHAEL R., SR.

The appeal is dismissed.

BLEASE, Acting P.J.

We concur: SIMS, J.  
DAVIS, J.

MONDAY, OCTOBER 20, 1997

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session.

PRESENT: PUGLIA, Presiding Justice  
DAVIS, Associate Justice  
NICHOLSON, Associate Justice

Bailiff Jones.  
Calendar called.

Civil WILLIAM L. COOPER ET AL.  
No. vs.  
C024584 TURNER CUT MARINA

Cause called. Joshua Z. Stein argued for Plaintiffs-Appellants with additional citations. David A. Firestone, of Sarraill, Lynch & Hall argued for Defendant-Respondent. Cause submitted.

Civil STEVEN D. BACON, AS TRUSTEE, ETC. ET AL.  
No. vs.  
C023458 SUN CITRUS PARTNERS ET AL.

Cause called. William B. Brodovsky, of Brodovsky & Brodovsky argued for Plaintiffs-Appellants. Howard M. Hoffman argued for Defendants-Respondents. Cause submitted.

At 10:08 a.m., court recessed. At 10:13 a.m. court reconvened with Presiding Justice Puglia, Associate Justice Scotland and Associate Justice Morrison.

Crim. THE PEOPLE  
No. vs.  
C023570 ANTHONY KARL MACK

Cause called. William Robinson, court appointed counsel argued for Defendant-Appellant. Wanda Hill Rouzan, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 10:33 a.m., court recessed. At 10:34 a.m. court reconvened with Presiding Justice Puglia, Associate Justice Sims and Associate Justice Callahan.

MONDAY, OCTOBER 20, 1997 CONTINUED

Crim. THE PEOPLE

No. vs.

C022419 DENNIS SANDELL OTT

Cause called. Donald L. Bull, Jr. argued for Defendant-Appellant. Anthony L. Dicce, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 10:45 a.m., court recessed. At 10:47 a.m. court reconvened with Acting Presiding Justice Scotland, Associate Justice Nicholson and Associate Justice Callahan.

Civil STEVEN J. OBOS

No. vs.

C024191 SCRIPPS PSYCHOLOGICAL ASSOCIATES ET AL.

Cause called. Joseph A. Hoffman argued for Plaintiff-Appellant. Paul Nicholas Boylan argued for Defendants-Respondents. Cause submitted.

At 11:11 a.m., court recessed. At 11:12 a.m. court reconvened with Acting Presiding Justice Raye, Associate Justice Sparks and Associate Justice Callahan.

Civil SUNRISE RETIREMENT VILLA ET AL.

No. vs.

C024496 PLACER COUNTY ASSESSOR

Cause called. Gerald O. Carden, County Counsel argued for Defendant-Appellant. David M. Blackman, of Blackman & Blackman argued for Plaintiffs-Respondents. Cause submitted.

At 11:37 a.m., court recessed. At 11:41 a.m. court reconvened with Acting Presiding Justice Sims, Associate Justice Sparks and Associate Justice Morrison.

MONDAY, OCTOBER 20, 1997 CONTINUED

Civil           MARRIAGE OF MCKOWN  
No.            EUELL E. MCKOWN, III  
C023338       vs.

JUDY ANN MCKOWN

Cause called. Euell E. McKown, III argued for Appellant. Richard W. Lang, Deputy District Attorney argued for Respondent. Cause submitted.

At 11:50 a.m., court recessed. At 2:00 p.m. court reconvened with Acting Presiding Justice Blease, Associate Justice Scotland and Associate Justice Sparks.

Civil           PAUL MATSON  
No.            vs.  
C022221       DAVID TOBIASSEN

Cause called. Dan Siegel, of Siegel & Yee argued for Plaintiff-Appellant. Raymond E. Shine, of Shine, Compton, Nelder-Adams argued for Defendant-Respondent. Cause submitted.

At 2:26 p.m., court recessed. At 2:27 p.m. court reconvened with Acting Presiding Justice Raye, Associate Justice Sparks and Associate Justice Callahan.

Civil           CAPITAL HISPANIC BROADCASTERS INC. ET AL.  
No.            vs.  
C024906       PONCE-NICASIO BROADCASTING INC. ET AL.

Cause called. Paul L. Warner, of Jeffer, Mangels Butler & Marmaro argued for Plaintiffs-Appellants. Harry P. Warner appeared on behalf of Plaintiffs-Appellants but did not argue. Paul Q. Goyette, of Goyette & Adams argued for Defendants-Respondents. Cause submitted.

At 2:48 p.m., court recessed. At 2:50 p.m. court reconvened with Acting Presiding Justice Scotland, Associate Justice Nicholson and Associate Justice Raye.

MONDAY, OCTOBER 20, 1997 CONTINUED

Civil           RUTH FOOTE ET AL.  
No.            vs.  
C022405      BOARD OF TRUSTEES ETC. ET AL.

Cause called. Jesse Hernandez argued for himself as Plaintiff-Appellant in pro per. Ruth Foote argued for herself as Plaintiff-Appellant in pro per. Jeanette R. Youngblood, of Korshak, Kracoff, Kong & Sugano argued for Defendants-Respondents Sacramento County Unified School District. Cause submitted.

At 3:17 p.m., court recessed. At 3:18 p.m. court reconvened with Presiding Justice Puglia, Associate Justice Sims and Associate Justice Nicholson.

Civil           GEORGE JOE AZCARATE  
No.            vs.  
C025643      PATRICIA DELIA AZCARATE

Cause called. Peter H. Smurr, of The Law Offices of Peter H. Smurr argued for Defendant-Appellant. Derk W. Schutmaat, of Schutmaat, Schuster & Asch argued for Plaintiff-Respondent. Cause submitted.

Court recessed at 3:41 p.m. until 9:30 a.m., Tuesday, October 21, 1997.

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Crim.          THE PEOPLE           (Not for Publication)  
No.            vs.  
C024980      LLOYD RICHARD CALDWELL

This matter is remanded to the trial court with directions to calculate defendant's custody credits. The judgment is otherwise affirmed.

NICHOLSON, J.

We concur: SIMS, Acting P.J.  
              RAYE, J.

MONDAY, OCTOBER 20, 1997 CONTINUED

Juvenile      In re RANDY WILLIAM D., A Person under the Juvenile Court Law  
No.              THE PEOPLE              (Not for Publication)  
C022127        vs.  
                  RANDY WILLIAM D. ET AL.  
                  The finding sustaining count IV, violation of Business and  
Professions Code section 25662, and the dispositional order entered August  
15, 1995, are reversed. The matter is remanded to the juvenile court for  
further proceedings.

NICHOLSON, J.

We concur:   BLEASE, Acting P.J.  
                  SIMS, J.

Civil            JERRY A. KLARICH, ET AL.      (Not for Publication)  
No.              vs.  
C022470        SACRAMENTO MUNICIPAL UTILITIES DISTRICT  
                  The judgment is affirmed.

SCOTLAND, J.

We concur:   PUGLIA, P.J.  
                  DAVIS, J.

Civil            DARLENE STEVENSON              (Not for Publication)  
No.              vs.  
C024691        GARLAND ROBERTSON  
                  The appeal is dismissed as taken from a nonappealable order.  
Respondent shall recover her costs.

NICHOLSON, J.

We concur:   PUGLIA, P.J.  
                  RAYE, J.

Crim.           THE PEOPLE              (Not for Publication)  
No.              vs.  
C020346        DELMAR WAYNE PAYNE, JR.  
                  The judgment is affirmed.

SPARKS, J.

I concur:      NICHOLSON, J.  
I write separately to address an alternative argument .....In all other  
respects, I concur with the majority opinion.  
                  DAVIS, Acting P.J.

MONDAY, OCTOBER 20, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C022532 ANTHONY L. TAYLOR

The conviction is affirmed. The sentence is vacated. The matter is remanded to the trial court for the purpose of allowing the court to exercise its discretion whether to strike defendant's prior serious felony convictions allegations. If the trial court strikes one or more priors, it shall resentence defendant. If the trial court declines to strike one or more priors, it shall reinstate the sentence imposed previously.

SPARKS, J.\*

We concur: SCOTLAND, Acting P.J.  
MORRISON, J.

\*Retired Associate Justice of the Court of Appeal, Third District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Juvenile In re LAMONT J., A person coming under the Juvenile Court Law  
No. THE PEOPLE (Not for Publication)  
C026438 vs.  
LAMONT J.

The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.  
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C024184 RONALD BIGNEY

The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment and to forward a certified copy to the Department of Corrections.

CALLAHAN, J.

We concur: SIMS, Acting P.J.  
RAYE, J.

MONDAY, OCTOBER 20, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C023446 LECLETUS GRIFFIN, JR.

The judgment is affirmed.

SIMS, J.

We concur: PUGLIA, P.J.  
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C024841 KING CHEUNG TAM

The judgment of conviction is affirmed. The true finding on the property damage enhancement is vacated and the matter is remanded for further proceedings consistent with this opinion.

CALLAHAN, J.

We concur: SIMS, Acting P.J.  
RAYE, J.

TUESDAY, OCTOBER 21, 1997

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of its regular appeals calendar.

PRESENT: BLEASE, Acting Presiding Justice  
NICHOLSON, Associate Justice  
RAYE, Associate Justice

Bailiff Palmer.  
Calendar called.

Civil R. L. MANAGEMENT COMPANY  
No. vs.  
C023517 THOMAS P. NAGEL. AS DIRECTOR, ETC.

Cause called. Ronna S. Reed, of Faustman, Carlton, DiSante & Freudenberger argued for Plaintiff-Appellant. John D. Schell, Deputy Attorney General argued for Respondent. Cause submitted.

At 9:40 a.m., court recessed. At 9:41 a.m. court reconvened with the same panel except Acting Presiding Justice Scotland in place of Associate Justice Blease.

TUESDAY, OCTOBER 21, 1997 CONTINUED

Civil           MARRIAGE OF CHARPONTIER  
No.           MARILYN PENNICK, AS CONSERVATOR, ETC.  
C022544       vs.

LOIS CHARPONTIER

Cause called. Richard R. Murphy argued for Appellant. David Joseph Edlow argued for Respondent. Cause submitted.

At 9:59 a.m., court recessed. At 10:00 a.m. court reconvened with the same panel except Acting Presiding Justice Sparks in place of Associate Justice Scotland.

Crim.           THE PEOPLE  
No.           vs.  
C021387       MICHAEL LAINE DODGE

Cause called. Ryan F. Perkins, court appointed counsel argued for Defendant-Appellant. Janine R. Busch, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 10:11 a.m. court recessed. At 10:12 a.m. court reconvened with Acting Presiding Justice Blease, Associate Justice Sims and Associate Justice Sparks.

Civil           BILLY GOFF ET AL.  
No.           vs.  
C022434       CALIFORNIA COMMISSION ON STATE MANDATES

Cause called. Eugenie Denise Mitchell, of Northern California Lawyers for Civil Justice argued for Plaintiff-Appellants. Paul H. Dobson, Deputy Attorney General argued for Defendant-Respondent. Kathleen A. O'Connor, county counsel argued for Real Parties In Interest-Respondents. Cause submitted.

At 10:45 a.m. court recessed. At 10:46 a.m. court reconvened with Presiding Justice Puglia, Associate Justice Nicholson and Associate Justice Callahan.

TUESDAY, OCTOBER 21, 1997 CONTINUED

Crim. THE PEOPLE  
No. vs.  
C016314 KENNETH DERRELL WILLIAMS

Cause called. Douglas R. Greer, of Greer & Amerson argued for Defendant-Appellant. Gregory W. Baugher, Deputy Attorney General argued for Plaintiff-Respondent. Loretta H. Hellen was removed as co counsel by order. Cause submitted.

Crim. THE PEOPLE  
No. vs.  
C025695 KENNETH DERRELL WILLIAMS

Cause called. Douglas R. Greer, of Greer & Amerson argued for Defendant-Appellant. Gregory W. Baugher, Deputy Attorney General argued for Plaintiff-Respondent. Michael K. Brady argued for Respondent. Cause submitted.

At 11:26 a.m., court recessed. At 2:02 p.m. court reconvened with Presiding Justice Puglia, Associate Justice Raye and Associate Justice Morrison.

Civil IN RE DANIAL M. ET AL  
No. CHILD PROTECTIVE SERVICES  
C026003 vs.  
DANICA W.

Cause called. No appearance on behalf of Defendant-Appellant as argued having been previously waived and approved. Michael B. Arkin argued for Plaintiff-Respondent. Cause submitted.

At 2:05 p.m., court recessed. At 2:08 p.m. court reconvened with Acting Presiding Justice Nicholson, Associate Justice Morrison and Associate Justice Sparks.

TUESDAY, OCTOBER 21, 1997 CONTINUED

Civil           HOSSAM BUZGHEIA  
No.             vs.  
C017627       LEASCO SIERRA GROVE ET AL.

Cause called. Charity Kenyon, of Diepenbrock, Wulff, Plant & Hannegan argued for Defendants-X-Comps-Appellants. Jay-Allen Eisen, of Eisen & Johnston argued for Plaintiff-X-Defendant-Respondent. Cause submitted. Joseph N. Zimring, Deputy Attorney General argued for Amicus Curiae. Robert A. Heron appeared on behalf of Amicus Curiae but did not argue. Cause submitted.

At 2:50 p.m., court recessed. At 2:51 p.m. court reconvened with Acting Presiding Justice Sims, Associate Justice Davis and Associate Justice Sparks.

Civil           JOHN B. VANDENBERG ET AL.  
No.             vs.  
C023922       SUPERIOR COURT, SACRAMENTO COUNTY  
CENTENNIAL INSURANCE COMPANY ET AL.

Cause called. Marian M. Johnston, of Eisen & Johnston argued for Petitioners. Douglas Thorn appeared on behalf of Petitioners but did not argue. Dennis L. Vigilione appeared on behalf of Petitioners but did not argue. Gary R. Selvin, of Larson & Burnham argued for Real Party In Interest Centennial Insurance Co. James G. Driscoll, of Bullivant, Houser, Bailey, Pendergrass & Hoffman argued for Real Party In Interest USF&G. Cause submitted. (Consolidated w/ C024460)

Civil           JOHN B. VANDENBERG ET AL.  
No.             vs.  
C024460       SUPERIOR COURT, SACRAMENTO COUNTY  
CENTENNIAL INSURANCE COMPANY ET AL.

Cause called. Marian Johnston, of Eisen & Johnston argued for Petitioners. Douglas Thorn appeared on behalf of Petitioners but did not argue. Dennis L Vigilione appeared on behalf of Petitioners but did not argue. Gary R. Selvin, of Larson & Burnham argued for Real Party In Interest Centennial Insurance Co. James G. Driscoll, of Bullivant, Houser, Bailey, Pendergrass & Hoffman argued for Real Party In Interest USF&G. Stephen P. Randall appeared on behalf of Real Parties In Interest Continental Insurance Co. Cause submitted. (Consolidated w/ C023922)

TUESDAY, OCTOBER 21, 1997 CONTINUED

Court recessed at 3:55 p.m. until 9:30 a.m., Wednesday, October 22, 1997.

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Civil                    216 SUTTER BAY ASSOCIATES  
No.                    vs.                    (Certified for Publication)  
C021592            COUNTY OF SUTTER, ET AL.  
THE COURT:

.....The opinion in the above entitled matter filed on September 25, 1997, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and is so ordered.

FOR THE COURT:  
PUGLIA, P.J.  
BLEASE, J.  
DAVIS, J.

Crim.                    THE PEOPLE            (Not for Publication)  
No.                    vs.  
C023067            FREDDIE LEE ROBERSON  
The judgment is affirmed.

CALLAHAN, J.

We concur: PUGLIA, P.J.  
SCOTLAND, J.

Crim.                    THE PEOPLE            (Not for Publication)  
No.                    vs.  
C024187            CHARLES ALONZO FRENCH

The judgment is modified to award defendant 355 days of presentence custody credit. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.

CALLAHAN, J.

We concur: PUGLIA, P.J.  
SCOTLAND, J.

TUESDAY, OCTOBER 21, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C024535 STEVEN JOHNSON MOORE  
The judgment is affirmed.  
CALLAHAN, J.  
We concur: BLEASE, Acting P.J.  
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C024946 KURT DUANE JONES  
The judgment is affirmed.  
CALLAHAN, J.  
We concur: BLEASE, Acting P.J.  
MORRISON, J.

Civil DARRYL HOWARD HARVEY (Not for Publication)  
No. vs.  
C024274 DONNA LUNARDINI  
The judgment is affirmed.  
SIMS, Acting P.J.  
We concur: RAYE, J.  
CALLAHAN, J.

Civil STUART C. (Not for Publication)  
No. vs.  
C027359 THE SUPERIOR COURT OF SUTTER COUNTY  
SUTTER COUNTY DEPARTMENT OF HUMAN SERVICES ET AL.  
Let a peremptory writ of mandate issue commanding respondent  
juvenile court to vacate its order terminating petitioner's visitation pending  
the permanency planning hearing and enter an order for reasonable  
visitation under all the circumstances in accordance with the views  
expressed herein. This decision is final forthwith. (Cal. Rules of Court,  
rule 24 (d).)  
SIMS, Acting P.J.  
We concur: NICHOLSON, J.  
CALLAHAN, J.

TUESDAY, OCTOBER 21, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025075 ROBERT LEE JOHNSON

The judgment is affirmed.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.  
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C019688 ANDRE LAMONT SWINNEY ET AL.

The judgments are affirmed.

CALLAHAN, J.

We concur: NICHOLSON, Acting P.J.  
MORRISON, J.

Civil IN RE THEODORE D., Persons coming under the Juvenile Court Law  
No. STATE DEPARTMENT OF SOCIAL SERVICES  
C025067 vs. (Certified for Publication)

CASA

C024898 STATE DEPARTMENT OF SOCIAL SERVICES  
No. vs.

SUPERIOR COURT, SISKIYOU COUNTY  
CHILD PROTECTIVE SERVICES ET AL.

The juvenile court's "Ruling Re Contested (Section) 388 Petition & Status Review Hearing" is reversed. The petition for writ of mandate is dismissed as moot. Having served its purpose the alternative writ is discharged.

SCOTLAND, J.

We concur: PUGLIA, P.J.  
BLEASE, J.

WEDNESDAY, OCTOBER 22, 1997

At 9:31 a.m., the court met in the Library & Courts Building for a continuance of its regular appeals calendar.

PRESENT: PUGLIA, Presiding Justice  
BLEASE, Associate Justice  
NICHOLSON, Associate Justice

Bailiff Conrad.  
Calendar called.

Civil ALLAN HAPPE ET AL

No. vs.

C021078 ENRON OIL & GAS COMPANY ET AL

Cause called. Steven B. Eggleston, of Eggleston & Taylor argued for Plaintiffs-Appellants. Julie A. Carter, of Downey, Brand, Seymour & Rohwer argued for Defendants-Respondents. Cause submitted.

At 9:54 a.m., court recessed. At 9:55 a.m., court reconvened with the same panel except Associate Justice Sims in place of Associate Justice Blease.

Crim. THE PEOPLE

No. vs.

C024835 JEROME MARKAY

Cause called. Constance L. Picciano, Deputy Attorney General argued for the Plaintiff-Appellant. Michael Satris, court appointed counsel argued for Defendant-Respondent. Cause submitted.

At 10:25 a.m., court recessed. At 10:30 a.m., court reconvened with the same panel except Associate Justice Raye in place of Associate Justice Puglia.

WEDNESDAY, OCTOBER 22, 1997 CONTINUED

Civil            ROXIE D. FITE  
No.                vs.  
C024573        GEORGE C. PERDIKIS

Cause called. Steven A. Block argued for Plaintiff-Appellant. Karen A. Sparks, of Anderson, Galloway & Lucchese argued for Defendant-Respondent. Cause submitted.

At 10:53 a.m., court recessed. At 10:55 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Sims and Associate Justice Callahan.

Civil            GIAN S. JOHL ET AL.  
No.                vs.  
C023761        HARBHAJAN S. BAINS ET AL.

Cause called. Mark G. Steidlmayer, of Trezza, Ithurnburn, Steidlmayer & Ithurnburn argued for Defendants-Appellants-X-Respondents. Stephen F. Riley, of Matthews, Fuqua & Puritz argued for Plaintiffs-Respondents-X-Appellants. Cause submitted.

At 11:17 a.m., court recessed. At 11:22 a.m., court reconvened with the same panel except Associate Justice Davis in place of Acting Presiding Justice Blease.

Crim.            THE PEOPLE  
No.                vs.  
C024466        KOBIE JAMAL ROBINSON

Cause called. Peter Sapunor, court appointed counsel argued for Defendant-Appellant. Wayne K. Strumpfer, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 11:44 a.m., court recessed. At 2:01 p.m., court reconvened with Acting Justice Blease, Associate Justice Raye and Associate Justice Morrison.

WEDNESDAY, OCTOBER 22, 1997 CONTINUED

Crim. THE PEOPLE

No. vs.

C023943 FERNANDO DELGADO GONTIZ

C024449 Cause called. Charles V. Stebley argued for Defendant-Appellant. Ward A. Campbell, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 2:15 p.m., court recessed. At 2:19 p.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Davis and Associate Justice Raye.

Civil KENNETH MYERS ET AL.

No. vs.

C024282 RANDA FINANCIAL CO. ET AL.

Cause called. Brendon T. Ishikawa argued for Defendants-Appellants. Raymond E. Areshenko appeared on behalf of Defendants-Appellants but did not argue. Jay-Allen Eisen, of Eisen & Johnston argued for Plaintiffs-Respondents. Cause submitted.

At 2:40 p.m., court recessed. At 2:42 p.m. court reconvened with the same panel except Associate Justice Morrison in place of Acting Presiding Justice Sims.

Civil U. S. ENGLISH, INC. ET AL.

No. vs.

C024097 PEOPLE'S ADVOCATE, INC. ET AL.

Cause called. William G. Gaede, III argued for Plaintiffs-Appellants. C. Scott Tocher, of Bolling, Walter & Gawthrop argued for Defendants-Respondents. Cause submitted.

WEDNESDAY, OCTOBER 22, 1997 CONTINUED

Court adjourned at 3:01 p.m. until 9:30 a.m. Monday, October 27, 1997.

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Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C023969 RONALD LEE JORDAN

The judgment is affirmed.

NICHOLSON, J.

I concur: DAVIS, J.

I concur in the result:

BLEASE, Acting P.J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025755 DAMIAN LEROY EWELL

The judgment is affirmed.

SCOTLAND, J.

We concur: SIMS, Acting P.J.

DAVIS, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025779 THOMAS ANTHONY PAYNE

The judgment is affirmed.

SCOTLAND, J.

We concur: SIMS, Acting P.J.

DAVIS, J.

WEDNESDAY, OCTOBER 22, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C021387 MICHAEL LAINE DODGE

The judgment is affirmed.

SPARKS, J.\*

We concur: NICHOLSON, Acting P.J.  
RAYE, J.

\* Retired Associate Justice of the Court of Appeal, Third District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025820 GREGORY MICHAEL ALEXANDER

The judgment is affirmed.

DAVIS, J.

We concur: SIMS, Acting P.J.  
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025037 JEFFREY STEVEN BELLUS

The judgment (order extending commitment) is affirmed.

SCOTLAND, J.

We concur: SIMS, Acting P.J.  
DAVIS, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C022386 JACKIE ERVIN RASBERRY

The convictions are affirmed. The sentence is vacated. The matter is remanded to the trial court for the purpose of allowing the court to exercise its discretion whether to strike defendant's prior serious felony convictions and whether to impose consecutive sentences.

DAVIS, J.

We concur: PUGLIA, P.J.  
BLEASE, J.

WEDNESDAY, OCTOBER 22, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C022419 DENNIS SANDELL OTT

The judgment is affirmed.

PUGLIA, P.J.

We concur: SIMS, J.  
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025646 WILTON MARTIN GOBERT

The judgment is affirmed.

DAVIS, J.

We concur: SIMS, Acting P.J.  
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C022229 ENRIQUE LUNA VALENZUELA

The convictions and findings of the trial court are affirmed. The sentence is vacated. The matter is remanded to the trial court for the purpose of allowing the court to exercise its discretion whether to strike one or both of defendant's prior serious felony convictions. If the trial court strikes a prior, it shall resentence defendant. If the trial court declines to strike a prior, it shall reinstate the sentence previously imposed.

SIMS, Acting P.J.

We concur: DAVIS, J.  
RAYE, J.

Juvenile In re DANIELLE M., ET AL, Persons under the Juvenile Court Law  
No. CALAVERAS COUNTY CHILD PROTECTIVE SERVICES  
C026003 vs. (Not for Publication)

DANICA W.

The order terminating appellant's parental rights is affirmed.

PUGLIA, P.J.

We concur: RAYE, J.  
MORRISON, J.

WEDNESDAY, OCTOBER 22, 1997 CONTINUED

Juvenile In re MARK JAMES L., A Person coming under the Juvenile Court Law  
No. THE PEOPLE (Not for Publication)  
C025649 vs

MARK JAMES L.

The juvenile court is directed to amend its records to reflect the minor's offense was simply attempted murder and to forward a copy thereof to the Director of the Youth Authority, As modified, the judgment is affirmed.

DAVIS, J.

We concur: BLEASE, Acting P.J.  
SIMS, J.

Civil FORTY-NINER TRUCK PLAZA, INC. ET AL.  
No. vs. (Certified for Partial Publication)  
C021946 UNION OIL COMPANY OF CALIFORNIA ET AL.

That part of the judgment granting a nonsuit to National and Clipper on the plaintiffs' civil conspiracy count is reversed. In all other respects, the judgment and post-judgment orders are affirmed. Each party shall pay its own costs.

DAVIS, Acting P.J.

We concur: SIMS, J.  
SPARKS, J.\*

Retired Associate Justice of the Court of Appeal, Third District,  
assigned by the Chief Justice pursuant to article VI, Section 6 of the  
California Constitution.

Civil In re the Marriage of GEORGE and PATRICIA AZCARATE  
No. GEORGE JOE AZCARATE  
C025643 vs. (Not for Publication)  
PATRICIA DELIA AZCARATE

The judgment is affirmed. The parties shall bear their own costs on appeal.

SIMS, J.

We concur: PUGLIA, P.J.  
NICHOLSON, J.

WEDNESDAY,. OCTOBER 22, 1997 CONTINUED

Civil In re the Marriage of EUELL E. and JUDY ANN MCKOWN  
No. EUELL E. MCKOWN, III  
C023338 vs. (Not for Publication)  
JUDY ANN MCKOWN

The judgment is affirmed.

SPARKS, J.\*

We concur: SIMS, Acting P.J.  
MORRISON, J.

\*Retired Associate Justice of the Court of Appeal, Third District,  
assigned by the Chief Justice pursuant to article VI, section 6 of the  
California Constitution.

Civil                    THOMAS C.                    (Not for Publication)  
No.                    vs.  
C027526           THE SUPERIOR COURT OF SACRAMENTO COUNTY  
                         SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN  
                         SERVICES ET AL.

The petition and request for stay are denied.

SIMS, Acting P.J.

We concur:   DAVIS, J.  
                      SCOTLAND, J.

Civil            GERALD E. POCAN ET AL.  
No.               vs.                                      (Not for Publication)  
C024712        GARY G. GREGORY ET AL.

The judgment is reversed. Plaintiffs shall recover their costs on appeal.

BLEASE, Acting P.J.

We concur: NICHOLSON, J.  
MORRISON, J.

THURSDAY, OCTOBER 23, 1997

Civil            THE PEOPLE            (Certified for Publication)  
No.                vs.  
C012464        REGINALD CALVIN SMITH

The petition for rehearing is denied. The order modifying the opinion does not effect a change in the judgment.

BY THE COURT:  
BLEASE, Acting P.J.  
DAVIS, J.  
RAYE, J.

Crim.            THE PEOPLE            (Not for Publication)  
No.                vs.  
C024280        FREDRICK OWENS

Sentence for possession fo a weapon by a prisoner is stayed pending completion of defendant's term for assault with a deadly weapon while in prison, said stay then to become permanent. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment in accordance with this opinion and to send an amended abstract to the Department of Corrections.

CALLAHAN, J.

We concur: SIMS, Acting P.J.  
RAYE, J.

Crim.            THE PEOPLE            (Not for Publication)  
No.                vs.  
C023284        GREGORY DWONE SHOULDERS

The judgment is affirmed.

SCOTLAND, J.

We concur: SIMS, Acting P.J.  
NICHOLSON, J.

FRIDAY, OCTOBER 24, 1997

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025211 JOSE ANTONIO LOZADA

The judgment is affirmed.

SCOTLAND, J.

We concur: BLEASE, Acting P.J.  
SIMS, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025451 JAMES DALE ROBERTS

The judgment is affirmed.

CALLAHAN, J.

We concur: SIMS, Acting P.J.  
NICHOLSON, J.

Civil EDWIN A. KAUPPILA (Not for Publication)  
No. vs.  
C025864 NEVADA COUNTY BOARD OF SUPERVISORS ET AL.

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: SCOTLAND, J.  
RAYE, J.

Civil HOWDY V. CARTER (Not for Publication)  
No. vs.  
C025417 HILLTOP DEVELOPMENT COMPANY ET AL.

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: NICHOLSON, J.  
CALLAHAN, J.

FRIDAY, OCTOBER 24., 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025238 MIGUEL ESPARZA AMAYA, JR.

The judgment is affirmed.

SCOTLAND, J.

We concur: BLEASE, Acting P.J.  
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C024168 GARY WAYNE BATTAGLIA

The judgment is affirmed.

SCOTLAND, J.

We concur: BLEASE, Acting P.J.  
SIMS, J.

MONDAY, OCTOBER 27, 1997

At 9:34 a.m., the court met in the Library & Courts Building for a continuation of its regular calendar session.

PRESENT: NICHOLSON, Associate Justice  
MORRISON, Associate Justice  
CALLAHAN, Associate Justice

Bailiff Palmer.  
Calendar called.

Civil MARRIAGE OF EISENTRAGER  
No. SUE ANN EISENTRAGER SHOPE  
C024485 vs.  
DANIEL LEE EISENTRAGER

Cause called. Jeffrey A. Leon, of Leon & Leon argued for Appellant. M. J. Hamilton, Deputy Attorney General argued for Respondent. Cause submitted.

MONDAY, OCTOBER 27, 1997 CONTINUED

At 10:05 a.m., court recessed. At 10:06 a.m. court reconvened with Acting Presiding Justice Blease, Associate Justice Davis and Associate Justice Nicholson.

Civil        MARRIAGE OF HEGG  
No.         KATHLEEN F. HEGG  
C024336     vs.  
             WILLIAM G. HEGG

Cause called. Jay-Allen Eisen, of Eisen & Johnston argued for Appellant. Paige Leslie Wickland, of Fancher & Wickland argued for Respondent. James M. Miza appeared on behalf of Appellant but did not argue. Cause submitted.

At 10:30 a.m., court recessed. At 10:33 a.m. court reconvened with the same panel except Associate Justice Raye in place of Acting Presiding Justice Blease.

Crim.       THE PEOPLE  
No.         vs.  
C023828     JOHN PAUL SOBASZKIEWICZ

Cause called. Deborah Tuttleman, court appointed counsel argued for Defendant-Appellant. Brian G. Smiley, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 11:07 a.m., court recessed. At 11:10 a.m. court reconvened with Acting Presiding Justice Scotland, Associate Justice Nicholson and Associate Justice Callahan.

Civil        BEN PALAZZOLO  
No.         vs.  
C025133     KEVIN T. BURTON

Cause called. Patrina Katz argued for Plaintiff-Appellant. James J. Kaufman, of The Law Office of James Kaufman argued for Defendant-Respondent. Cause submitted.

MONDAY, OCTOBER 27, 1997 CONTINUED

At 11:35 a.m., court recessed. At 11:39 a.m. court reconvened with Acting Presiding Justice Blease, Associate Justice Morrison and Associate Justice Callahan.

Crim. THE PEOPLE  
No. vs.  
C025014 RICHARD DEAN THORPE

Cause called. William O'Neill, III, of William O'Neil & Associates argued for Defendant-Appellant. Virna DePaul Meyers, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 11:50 a.m., court recessed. At 11:51 a.m. court reconvened with the same panel except Associate Justice Scotland in place of Associate Justice Callahan.

Civil PATTI DONLON ET AL.  
No. vs.  
C021029 SMITH BARNEY-SHEARSON, INC.

Cause called. Kenneth C. Mennemeier, of Mennemeier, Glassman & Stroud argued for Defendant-X-Comp-Respondent. Eric J. Glassman appeared on behalf of Defendant-X-Comp-Respondent but did not argue. No appearance was made on behalf of Plaintiffs-X-Defendants-Appellants. Cause submitted.

At 11:52 a.m., court recessed. At 11:54 a.m. court reconvened with Acting Presiding Justice Blease, Associate Justice Davis and Associate Justice Raye.

Civil KULDEEP SIDHU  
No. vs.  
C024148 MEDICAL BOARD OF CALIFORNIA

Cause called. Edgardo Gonzalez, of the Law Offices of James Jay Seltzer argued for Plaintiff-Appellant. Mara Faust, Deputy Attorney General argued for Defendant-Respondent. Cause submitted.

MONDAY, OCTOBER 27, 1997 CONTINUED

At 12:12 p.m., court recessed. At 2:00 p.m. court reconvened with Acting Presiding Justice Blease, Associate Justice Scotland and Associate Justice Nicholson.

Crim.       THE PEOPLE  
No.           vs.  
C023846     JAMES DOMINGO MANZANO

Cause called. No appearance was made on behalf of Plaintiff-Respondent as argued having been previously waived and approved. No appearance was made on behalf of Defendant-Appellant. Cause submitted.

At 2:00 p.m., court recessed. At 2:01 p.m. court reconvened with the same panel except Associate Justice Davis in place of Associate Justice Nicholson.

Civil        MARGARET LOUISE URBANI  
No.           vs.  
C021898     PAYNES CREEK SPORTSMAN'S CLUB

Cause called. B. Robert Allard, of Popelka & Allard argued for Plaintiff-Appellant. Richard Scheuler, of The Law Firm of Richard Scheuler argued for Defendant-Respondent with additional citations. Cause submitted.

At 2:30 p.m., court recessed. At 2:31 p.m. court reconvened with Acting Presiding Justice Blease, Associate Justice Nicholson and Associate Justice Callahan.

Civil        LAWRENCE A. BAKER  
No.           vs.  
C025865     TRUCKEE DONNER PUBLIC UTILITY DISTRICT

Cause called. Lawrence A. Baker, of Haims, Johnson, MacGowan & McInerney argued for Plaintiff-Appellant. Dennis W. DeCuir, of DeCuir & Somach argued for Defendant-Respondent. David S. Kaplan appeared on behalf of Defendant-Respondent but did not argue. Michael E. Vergara appeared on behalf of Defendant-Respondent but did not argue. Cause submitted.

MONDAY, OCTOBER 27, 1997 CONTINUED

At 3:10 p.m., court recessed. At 3:11 p.m. court reconvened with the same panel except Associate Justice Morrison in place of Associate Justice Callahan.

Civil           COUNTY OF AMADOR ET AL.  
No.             vs.  
C025577       DEPARTMENT OF CORRECTIONS ET AL.

Cause called. Evelyn M. Matteucci, Deputy Attorney General argued for Defendants-Appellants. John F. Hahn, county counsel argued for Plaintiffs-Respondents. Cause submitted.

Court adjourned at 3:56 p.m. until 9:30 a.m., Monday, November 17, 1997.

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Civil           PERRY ZEIGER    (Certified for Publication)  
No.             vs.  
C019828       STATE OF CALIFORNIA ET AL.

....Accordingly I would affirm the trial court's judgment. This modification does not affect the judgment.

THE COURT:

SIMS, Acting P.J.  
SCOTLAND, J.  
RAYE, J.

Crim.          ELISE H. RAMOS           (Not for Publication)  
No.             vs.  
C023619       CALIFORNIA DEPARTMENT OF MOTOR VEHICLES ET AL.

....As modified, there is no change in the judgment. The petition for rehearing is denied.

THE COURT:

BLEASE, Acting P.J.  
DAVIS, J.  
SCOTLAND, J.

MONDAY, OCTOBER 27, 1997 CONTINUED

Civil WILLIAM L. COOPER ET AL. (Not for Publication)  
No. vs.  
C024584 TURNER CUT MARINA

The judgment is affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.  
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025531 MARCUS TRAMEINE CRUMB

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: NICHOLSON, J.  
MORRISON, J.

Civil                      SUNRISE RETIREMENT VILLA ET AL  
No.                        vs.    (Certified for Publication)  
C024496                PLACER COUNTY ASSESSOR

The judgment is reversed and the cause is remanded. The trial court shall enter a new judgment issuing a peremptory writ of mandate which shall direct the Placer Assessment Appeals Board to vacate its decision denying plaintiffs' appeal on jurisdictional grounds and instead to hear the appeal on its merits. The parties shall bear their own costs on appeal.

CALLAHAN, J.

We concur:    RAYE, Acting P.J.  
                         SPARKS, J.\*

\*Retired Associate Justice of the Court of Appeal, Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MONDAY, OCTOBER 27, 1997 CONTINUED

Crim.           THE PEOPLE           (Not for Publication)  
No.               vs.  
C024466       KOBIE JAMAL ROBINSON

The judgment is affirmed.

CALLAHAN, J.

We concur:   SIMS, Acting P.J.  
                  DAVIS, J.

Civil           CAPITAL HISPANIC BROADCASTERS  
No.               vs.                           (Not for Publication)  
C024906       PONCE-NICASIO BROADCASTING, INC. ET AL.

The judgment is affirmed.

CALLAHAN, J.

We concur:   RAYE, Acting P.J.  
                  SPARKS, J.\*

\*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Civil           STEVEN D. BACON, as Trustee etc. et al.  
No.               vs.                           (Not for Publication)  
C023458       SUN CITRUS PARTNERS ET AL.

The order of the trial court is modified to delete any reference to the action of plaintiff Ures individually against the defendants. As so modified, the order is affirmed. No party shall recover costs of appeal.

DAVIS, J.

We concur:   PUGLIA, P.J.  
                  NICHOLSON, J.

TUESDAY, OCTOBER 28, 1997

Civil            NATIVIDAD TOLENTINO            (Not for Publication)  
No.                vs.

C024520        LORRAINE LABELLE  
CENTRAL FINANCIAL CONTROL

The judgment is reversed and the matter is remanded to the trial court with directions to vacate its order and to enter a new order awarding CFC the sum of \$5,578.30. Tolentino shall receive her costs on appeal.

SIMS, Acting P.J.

We concur:    DAVIS, J.  
RAYE, J.

Civil            U.S. ENGLISH, INC. ET AL.        (Not for Publication)  
No.                vs.

C024097        PEOPLE'S ADVOCATE, INC. ET AL.

The judgment of dismissal is affirmed. Plaintiffs have failed to provide facts to suggest an amended pleading could cure these fatal deficiencies. The court properly sustained the demurrer without leave to amend. (Saunders v. Superior Court 1994) 27 Cal.App.4th 832, 842, fn. 5.)

RAYE, J.

We concur:    DAVIS, Acting P.J.  
MORRISON, J.

Civil            RUTH FOOTE, ET AL            (Not for Publication)  
No.                vs.

C022405        BOARD OF TRUSTEES ETC. ET AL.

The judgment is affirmed.

RAYE, J.

We concur:    SCOTLAND, Acting P.J.  
NICHOLSON, J.

Civil            KENNETH MYERS, ET AL.        (Not for Publication)  
No.                vs.

C024282        RANDA FINANCIAL CO. ET AL.

The judgment is affirmed. Plaintiffs shall receive their costs on appeal.

SIMS, Acting P.J.

We concur:    DAVIS, J.  
RAYE, J.

TUESDAY, OCTOBER 28, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C016314 KENNETH DERRELL WILLIAMS

The judgment is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.  
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025695 KENNETH DERRELL WILLIAMS

The order is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.  
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C023846 JAMES DOMINGO MANZANO

The judgment of conviction for voluntary manslaughter and its related true finding of firearm use is affirmed. The judgment of conviction for count two, possession of a firearm by a convicted felon is reversed, and the entire matter is remanded for resentencing.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.  
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025161 MARIO NATHANIEL PARKER

The judgment is affirmed.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.  
SCOTLAND, J.

TUESDAY, OCTOBER 28, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C024312 KENNETH JAMES SPECK

The convictions are affirmed, the sentence is vacated, and this case is remanded to the trial court for resentencing.

RAYE, J.

We concur: SIMS, Acting P.J.  
CALLAHAN, J.

Civil DELILAH BERGER (Not for Publication)  
No. vs.  
C025253 WELLS FARGO BANK ET AL.  
C025448

The judgment is affirmed. Respondents shall recover their costs on appeal.

SIMS, Acting P.J.

We concur: DAVIS, J.  
RAYE, J.

WEDNESDAY, OCTOBER 29, 1997

Civil NORRIS D. SANDERS  
No. vs.  
C023657 ROBERT P. FLYNN, ET AL.

By the Court:

Appellant's petition for rehearing is denied.

Dated: October 29, 1997

BLEASE, Acting P.J

Civil PATTI DONLON AND PATRICK DONLON  
No. vs. (Not for Publication)  
C021029 SMITH BARNEY-SHEARSON, INC.

The judgment is affirmed.

SCOTLAND, J.

We concur: BLEASE, Acting P.J.  
MORRISON, J.

WEDNESDAY, OCTOBER 29, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C024835 JEROME MARKAY

The trial court's order is reversed and the case is remanded with instructions to the trial court to enter a new order solely and simply requiring that, with respect to Markay, the Department conform to the regulations found in Title 15 of the California Code of Regulations, sections 3141 through 3145 and 3147 (a) (4), concerning confidential mail.

NICHOLSON, J.

We concur: PUGLIA, P.J.  
SIMS, J.

Civil LAWRENCE A. BAKER (Not for Publication)  
No. vs.  
C025865 TRUCKEE DONNER PUBLIC UTILITY DISTRICT

The judgment is affirmed.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.  
CALLAHAN, J.

Juvenile In re the Marriage of FRANKLIN R. and SHARON J. MILLS  
No. FRANKLIN R . MILLS  
C0025410 vs. (Not for Publication)  
SHARON J. MILLS

The order appealed from is affirmed.

CALLAHAN, J.

We concur: BLEASE, Acting P.J.  
CALLAHAN, J.

THURSDAY, OCTOBER 30, 1997

Civil           THE PEOPLE  
No.             vs.  
C025062       ALEX PADILLA BAIL BONDS

By the Court:

On the court's own motion, and good cause appearing, the appeal filed October 16, 1996, is dismissed. The appeal should be taken to the appellate department of the superior court.

Crim.           THE PEOPLE           (Not for Publication)  
No.             vs.  
C024959       THOMAS LEROY CRAIG

The judgment is affirmed.

MORRISON, J.

We concur: PUGLIA, P.J.  
SCOTLAND, J.

Crim.           THE PEOPLE           (Not for Publication)  
No.             vs.  
C023450       SHELDON WARREN JEFFERSON

The judgment (order granting probation) is affirmed.

MORRISON, J.

We concur: BLEASE, Acting P.J.  
CALLAHAN, J.

Juvenile       In re JIM C, A Minor       (Not for Publication)  
No.             THE PEOPLE  
C025958       vs.

JIM C.

The judgment is affirmed.

MORRISON, J.

We concur: PUGLIA, P.J.  
RAYE, J.

THURSDAY, OCTOBER 30, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025080 SEAN DOUGLAS WILKERSON

The judgment is affirmed.

MORRISON, J.

We concur: DAVIS, Acting P.J.  
RAYE, J.

Juvenile In re the Marriage of SUE ANN and DANIEL LEE EISENTRAGER  
No. SUE ANN SHOPE (Not for Publication)  
C024485 vs.

DANIEL LEE EISENTRAGER

The judgment is affirmed.

MORRISON, J.

We concur: NICHOLSON, Acting P.J.  
CALLAHAN, J.

Civil SETH WEBB BEYER, A Minor, etc. (Not for Publication)  
No. vs.,  
C024802 ROBERT A. CANNON ET AL.  
C025677

The judgment in case no. C024802 (order granting attorney's fees and costs) is reversed. The matter is remanded to the trial court with directions to vacate its order and to make a new order denying plaintiff's motion for attorney's fees and costs.

The judgment in case No. C025677 (order granting setoff) is vacated in light of our disposition in case No. C024802.

Defendants shall receive their costs on the appeals and cross-appeal.

SIMS, Acting P.J.

We concur: SCOTLAND, J.  
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C023512 MICHAEL AUGUST MOORE

The judgment is affirmed.

RAYE, J.

We concur: SIMS, Acting P.J.  
DAVIS, J.

THURSDAY, OCTOBER 30, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025064 ARTHUR CHARLES BRINCAT  
The judgment is affirmed.  
CALLAHAN, J.  
We concur: BLEASE, Acting P.J.  
RAYE, J.

Juvenile In re RANDY S., A Person under the Juvenile Court Law  
No. THE PEOPLE (Not for Publication)  
C025707 vs.  
RANDY S.  
The judgment is affirmed.  
RAYE, J.  
We concur: PUGLIA, P.J.  
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C024982 BILL WILEY TREADWAY  
The judgment is affirmed.  
NICHOLSON, J.  
We concur: BLEASE, Acting P.J.  
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025900 GEORGE PHILLIP SCHEPP  
The judgment is affirmed.  
NICHOLSON, J.  
We concur: BLEASE, Acting P.J.  
SCOTLAND, J.

THURSDAY, OCTOBER 30, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025014 RICHARD DEAN THORPE  
The judgment is affirmed.  
MORRISON, J.  
We concur: BLEASE, Acting P.J.  
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C023235 TORRI DWAYNE FRANKLIN  
The judgment is affirmed.  
MORRISON, J.  
We concur: SCOTLAND, Acting P.J.  
RAYE, J.

FRIDAY, OCTOBER 31, 1997

Civil HOWDY V. CARTER  
No. vs.  
C025417 HILLTOP DEVELOPMENT COMPANY ET AL.  
By the Court:  
The request of respondents Hilltop Development Company et al. to  
publish the opinion filed on October 24, 1997, is denied.  
Dated: October 31, 1997  
BLEASE, Acting P.J.

Crim. THE PEOPLE (Certified for Publication)  
No. vs.  
C023943 FERNANDO DELGADO GONTIZ  
The judgment (order) is reversed.  
MORRISON, J.  
We concur: BLEASE, Acting P.J.  
RAYE, J.

FRIDAY, OCTOBER 31, 1997 CONTINUED

Civil BAUGH CONSTRUCTION CO. ET AL.  
 No. vs. (Not for Publication)  
 C023071 GRANITE STATE INSURANCE COMPANY  
 C023311 BAUGH CONSTRUCTION CO ET AL.  
 vs.  
 HIGHLANDS INSURANCE COMPANY ET AL.

The judgment in favor of Lloyd's is affirmed; Lloyd's shall recover its costs of that appeal. The judgment as to Granite State and Highlands are reversed; Bough shall recover its costs of those appeals.

BLEASE, Acting P.J.

We concur: NICHOLSON, J.  
RAYE, J.

Crim. THE PEOPLE (Certified for Publication)  
No. vs.  
C024449 FERNANDO DELGADO GONTIZ

The judgments (orders) are affirmed.

MORRISON, J.

We concur:   BLEASE, Acting P.J.  
                    RAYE, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C023828 JOHN PAUL SOBASKIEWICZ

The judgment is affirmed.

NICHOLSON, J.

We concur: DAVIS, Acting P.J.  
RAYE, J.

Civil In re Marriage of WILLIAM AND KATHLEEN HEGG  
No. KATHLEEN F. HEGG (Not for Publication)  
C024336 vs.  
WILLIAM G. HEGG

The judgment is affirmed.

DAVIS, J.

We concur: BLEASE, Acting P.J.  
NICHOLSON, J.

FRIDAY, OCTOBER 31, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C019221 JAMIE LOMELI GOMEZ

The judgment is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.  
RAYE, J.

Civil R. L. MANAGEMENT COMPANY  
No. vs. (Certified for Publication)  
C023517 THOMAS P. NAGEL, AS DIRECTOR, ETC.

The judgment is affirmed.

BLEASE, Acting P. J.

We concur: NICHOLSON, J.  
RAYE, J.